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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,869	09/19/2003	Timo Tokkonen	KOLS.052PA	6759

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EXAMINER

NGUYEN, KEVIN M

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/665,869	Applicant(s) TOKKONEN, TIMO	
	Examiner Kevin M. Nguyen	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/27/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments, see page 6-9, filed 7/24/2006, with respect to the rejections of claims 1-21 under the double patenting, 37 C.F.R. § 1.78(b), and prior art have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 and 9-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki (US 6,862,687).

4. As to claim 1, Suzuki teaches a method of deactivating a lock state in an electronic device [*a pen input portable terminal, fig. 1A*], comprising a touch screen [*a touch screen 14, fig. 1A*], comprising:

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displaying more or more images on the touch screen when the device is in the lock state, of which images one or more includes at least one predetermined point *[displaying images A and B on said touch screen 14 with enhance security including at least two predetermined points 28A and 28B, see Fig. 1B];*

detecting a touch on a predetermined point in one or more images *[the touch-sensitive screen detects/checks whether each of points predetermined on the images has been designated by the touch pen, col. 5, lines 9-14];*

deactivating the device lock state upon detection of a predetermined number of touches on successive images including a predetermined point *[decrypting said images code by checking whether the location of designated points coincide with said points 28A and 28B, see col. 3, line 5 through col. 4 through col.5, line 33 for further details of the explanation].*

5. As to claim 2, Suzuki further teaches selecting the image to be displayed from an image database [said images A and B directed to retrieving/storing/displaying from the computer 10 as described in fig. 1A, col. 3, lines 26-33].

6. As to claim 3, Suzuki further teaches selecting the image to be displayed randomly [the display position and display size of the image is changed randomly every time, col. 4, lines 29-37, and col. 5, lines 54-58].

7. As to claim 4, Suzuki teaches wherein information about the predetermined point is coded in the image in advance [encrypting predetermined points of said images A and B in advance, col. 5, lines 9-33].

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8. As to claim 5, Suzuki further teaches maintaining, in the device, an image database from which the images are selected [the pen input portable terminal waits until any points on the displayed image are designated by the touch pen, col. 5, lines 20-24].

9. As to claim 6, as noting in col. 5, lines 2-14, Suzuki further discloses the claimed features of these claims.

10. As to claim 7, as noting in col. 4, lines 7 through col.5, line 8, Suzuki further discloses the claimed features of these claims.

11. As to claim 9, as noting in col. 5, lines 15-33, Suzuki further discloses the claimed features of these claims “wherein the predetermined parameter is a user ID registered as the user in the device before the transfer to the lock state.”

12. As to claim 10, Suzuki further teaches comprising:

reading the image from the image database [see col. 3, lines 26-33];

reading information about the predetermined point in the image, displaying the image on the display until a touch on the touch screen is detected or until a predetermined period of time has elapsed, checking if a predetermined number of touches on successive images including a predetermined point is detected [see col. 5, lines 9-58], whereby the device lock is deactivated; otherwise, a new image is read from the database [see further in col. 6, lines 1-63].

13. As to claim 11, as noting in col. 4, lines 9-14, Suzuki further discloses the claimed features of these claims.

14. As to claim 12, as noting in col. 4, lines 9-14, Suzuki further discloses the claimed features of these claims.

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15. As to claim 13, Suzuki further teaches an electronic device [*a pen input portable terminal, fig. 1A*], configured to enter a lock state upon the fulfillment of a predetermined condition, the device comprising:

a touch screen [a touch panel 14, Fig. 1A];

means for displaying one or more images on the touch screen when the device is in the lock state, of which images one or more includes at least one predetermined point [see a second embodiment of figure 5 as described in col. 6, lines 1-64];

detection means [the CPU 10] for detecting a touch on a predetermined point in one or more images [see a second embodiment of figure 5 as described in col. 6, lines 1-64];

means for deactivating the device lock state upon detection of a predetermined number of touches on successive images including a predetermined point [see a second embodiment of figure 5 as described in col. 6, lines 1-64];

16. As to claim 14, Suzuki further teaches wherein the device includes means for maintaining an image database, and selecting means for selecting the image to be displayed at each particular time from the image database [see figure 5, col. 6, lines 40-46].

17. As to claim 15, Suzuki teaches wherein the selecting means are configured to select the image to be displayed at each particular time from the image database randomly [see col. 4, lines 29-37].

18. As to claim 16, Suzuki teaches wherein the image database includes images, in which information about the predetermined point is coded in advance [see col. 5, lines 15-33].

19. As to claim 17, Suzuki teaches wherein the device includes means for maintaining a database including information about the predetermined points in the images in the image database [see col. 5, lines 2-14].

20. As to claim 18, Suzuki teaches wherein the touch screen [the touch-sensitive screen panel 14] is configured to transfer information about information about a touch on a predetermined point to the detection means [see col. 5, lines 2-14].

21. As to claim 19, Suzuki teaches wherein the device comprises pointer means [the touch-sensitive screen panel 14] configured to transfer information about a touch on a predetermined point to the detection means [the CPU 10, see col. 4, line 29 through col.5, line 8].

22. As to claim 20, Suzuki teaches wherein the pointer means is realized with a touch-pad [the touch-sensitive screen panel 14, fig. 1A].

23. As to claim 21, Suzuki teaches an electronic device configured to enter a lock state upon the fulfillment of a predetermined condition, comprising a touch screen [a touch panel 14, Fig. 1A]; and a controller [a CPU 10] configured to display one or more images [images A and B] on the touch screen when the device is in the lock state, of which images one or more includes at least one predetermined point [two predetermined points 28A and 28B, see figure 1B];

wherein the controller [the CPU 10] is further configured to detect a touch on a predetermined point [28A and 28B] in one or more images [A and B]; and to deactivate the device lock state upon detection of a predetermined number of touches on successive images including a predetermined point *see col. 3, line 5 through col. 4 through col.5, line 33 for further details of the explanation*].

24. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki. Claim 8, a method as claimed in claim 7, wherein the predetermined parameter is a date or a day of the week, whereas Suzuki further discloses display positions and display size of the images is changed every time in col. 5, lines 47-58. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify display positions and display size of the images during a date of the week because this would be helpful to enhance security.

Response to Arguments


25. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN M. NGUYEN whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 8:00-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, a supervisor RICHARD A. HJERPE can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the Patent Application Information Retrieval system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kevin M. Nguyen
Patent Examiner
Art Unit 2629

KMN
October 11, 2006